

Senate Engrossed

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
Senate  
Forty-eighth Legislature  
Second Regular Session  
2008

CHAPTER 73

## **SENATE BILL 1394**

AN ACT

AMENDING TITLE 41, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-705; REPEALING SECTION 41-3008.13, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3016.26; RELATING TO THE ARIZONA DEPARTMENT OF RACING AND THE ARIZONA RACING COMMISSION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 41, chapter 4, article 1, Arizona Revised Statutes,  
3 is amended by adding section 41-705, to read:

4 41-705. Racing investigation fund; distributions; refund

5 A. THE RACING INVESTIGATION FUND IS ESTABLISHED CONSISTING OF MONIES  
6 DEPOSITED FOR THE PROJECTED COST OF INVESTIGATIONS CONDUCTED PURSUANT TO  
7 TITLE 5, CHAPTER 1 BY PERSONS, PARTNERSHIPS, ASSOCIATIONS OR CORPORATIONS  
8 THAT HOLD A PERMIT FOR A RACING MEETING UNDER TITLE 5. MONIES DEPOSITED INTO  
9 THE FUND SHALL BE MADE IN A REASONABLE AMOUNT BASED ON A REQUEST FROM THE  
10 DIRECTOR OF THE ARIZONA DEPARTMENT OF RACING. THE DEPARTMENT OF  
11 ADMINISTRATION SHALL ADMINISTER THE FUND. MONIES IN THE FUND ARE  
12 CONTINUOUSLY APPROPRIATED AND ARE EXEMPT FROM THE PROVISIONS OF SECTION  
13 35-190 RELATING TO LAPSING OF APPROPRIATIONS.

14 B. MONIES DISTRIBUTED FROM THE FUND ARE SUBJECT TO THE FOLLOWING  
15 RESTRICTIONS:

16 1. DISTRIBUTIONS SHALL BE MADE PURSUANT TO INSTRUCTIONS FROM THE  
17 DIRECTOR OF THE DEPARTMENT OF RACING TO THE DIRECTOR OF THE DEPARTMENT OF  
18 ADMINISTRATION.

19 2. DISTRIBUTIONS SHALL BE LIMITED TO EXPENSES THAT ARE AUTHORIZED  
20 UNDER TITLE 5, CHAPTER 1, ARTICLE 1 AND THAT ARE INCURRED IN COMPLIANCE WITH  
21 CHAPTER 23 OF THIS TITLE INCLUDING OPEN AND COMPETITIVE BIDDING FOR ALL  
22 SERVICES.

23 C. ON THE INSTRUCTION OF THE DIRECTOR OF THE DEPARTMENT OF RACING, THE  
24 DEPARTMENT OF ADMINISTRATION AT THE CONCLUSION OF AN INVESTIGATION SHALL  
25 REFUND TO THE PERMITTEE THE DIFFERENCE BETWEEN THE AMOUNT DEPOSITED INTO THE  
26 FUND BY THAT PERMITTEE AND THE TOTAL ACTUAL COST OF THE INVESTIGATION.

27 Sec. 2. Repeal

28 Section 41-3008.13, Arizona Revised Statutes, is repealed.

29 Sec. 3. Title 41, chapter 27, article 2, Arizona Revised Statutes, is  
30 amended by adding section 41-3016.26, to read:

31 41-3016.26. Arizona racing commission and Arizona department of  
32 racing; termination July 1, 2016

33 A. THE ARIZONA RACING COMMISSION AND THE ARIZONA DEPARTMENT OF RACING  
34 TERMINATE ON JULY 1, 2016.

35 B. TITLE 5, CHAPTER 1 IS REPEALED ON JANUARY 1, 2017.

36 Sec. 4. Purpose

37 Pursuant to section 41-2955, subsection B, Arizona Revised Statutes,  
38 the purpose of the Arizona racing commission and the department of racing is  
39 to regulate the racing industry in this state for the protection of the  
40 public peace, safety and welfare.

41 Sec. 5. Retroactivity

42 Sections 2 and 3 of this act are effective retroactively to July 1,  
43 2008.

APPROVED BY THE GOVERNOR APRIL 22, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 22, 2008.